

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NEUROGRAFIX, a California corporation;
NEUROGRAPHY INSTITUTE MEDICAL
ASSOCIATES, INC., a California corporation;
and
IMAGE-BASED SURGICENTER
CORPORATION, a California corporation,

Plaintiffs,

vs.

BRAINLAB, INC., a Delaware corporation;
BRAINLAB AG, a German corporation;
BRAINLAB MEDIZINISHE
COMPUTERSYSTEME GMBH, a German
corporation,

Defendants.

Civil Action No. 12-cv-6075

Hon. Matthew F. Kennelly, Presiding

Magistrate Judge Jeffrey Cole

**MOTION FOR LEAVE TO FILE
PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT OF CONVOYED
SALES DAMAGES**

**MOTION FOR LEAVE TO FILE PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT OF CONVOYED SALES DAMAGES**

NOW COMES, Plaintiffs, NeuroGrafix, Neurography Institute Medical Associates, Inc., Image Based Surgicenter Corp., and Dr. Aaron G. Filler ("Plaintiffs") hereby move this Court for leave to file its [Proposed] Motion for Summary Judgment of Convoyped Sales Damages and Memorandum in Support thereof. (*See*: Exhibit A). This Motion for Leave to File is supported by the accompanying Memorandum as well as by the [Proposed] Motion for Summary Judgment of Convoyped Sales attached.

WHEREFORE, Plaintiffs, NeuroGrafix, Neurography Institute Medical Associates, Inc., Image Based Surgicenter Corp., and Dr. Aaron G. Filler hereby moves this Court to enter an order

for leave to file its Proposed Motion for Summary Judgment of Conveyed Sales Damages and Memorandum in Support thereof, and for any additional relief deemed just and appropriate.

Dated: June 9, 2020

Respectfully submitted,

/s/ Aaron G. Filler

Aaron G. Filler, Esq. (pro hac vice)

Alex R. Straus, Esq. (pro hac vice)

(Cal Bar 321366, MA Bar 677434)

Christine S. Kim (Atty No.:6327157)

Tensor Law P.C.

900 Wilshire Blvd. #314

Santa Monica, CA 90401

Tel: 310.450.9689

afiller@tensorlaw.com

astraus@tensorlaw.com

ckim@tensorlaw.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document MOTION FOR LEAVE TO FILE
MOTION FOR SUMMARY JUDGMENT OF CONVOYED SALES DAMAGES

was served on June 9, 2020 as follows:

***Via Filing Via this Court's CM-ECF System, which caused a copy to be served on all
registered users by E-mail:***

Jay R. Campbell, Esq. (admitted pro hac vice)

TUCKER ELLIS LLP

950 Main Avenue, Suite 1100

Cleveland, OH 44113-7213

Tel: 216.592.5000

Fax: 216.592.5009

E-mail: jay.campbell@tuckerellis.com

James William Mizgala, Esq.

Illinois State Bar No. 6271760

Tucker Ellis LLP

233 South Wacker Drive

Suite 6950

Chicago, IL 60606

(312) 624-6307

Email: james.mizgala@tuckerellis.com

Counsel for Defendants:

Brainlab AG;

Brainlab, Inc.

Date: June 9, 2020

/s/ Aaron G. Filler

Aaron G. Filler, Esq.